

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *cg* D.C.
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MARCUS KANARD PAYNE,

)

Plaintiff,

)

v.

)

STATE OF TENNESSEE, et al.,

)

Defendants.

)

)

No. 05-2310 Ma/P

THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
WD OF TN MEMPHIS

ORDER GRANTING DEFENDANT STATE OF TENNESSEE'S MOTION TO DISMISS

Before the court is Defendant State of Tennessee's ("the State") Motion to Dismiss filed on July 13, 2005. The State asserts that this court does not have jurisdiction over it because it is immune from suit under the Eleventh Amendment.

Plaintiff Marcus Kanard Payne ("Payne") filed a response on August 11, 2005, conceding that this court does not have jurisdiction over the State. Therefore, Defendant State of Tennessee's Motion to Dismiss is GRANTED.

So ordered this 28th day of November 2005.



SAMUEL H. MAYS, JR.

UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 28 in case 2:05-CV-02310 was distributed by fax, mail, or direct printing on December 1, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT